

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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SECURITIES AND EXCHANGE COMMISSION,	:	21cv9575 (DLC)
	:	
Plaintiff,	:	<u>ORDER</u>
-v-	:	
	:	
JAMES DAVID O'BRIEN,	:	
	:	
Defendant.	:	
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DENISE COTE, District Judge:

Discovery in this action closed on July 15, 2022. On November 3, the plaintiff filed a motion for summary judgment. The defendant filed a motion for summary judgment on November 4. These motions were denied on January 6, 2023.

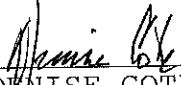
On February 3, the parties filed a proposed consent judgment and stipulation. In the consent judgment and stipulation, the parties: waived the right to a jury trial; agreed to submit the issue of disgorgement and penalties to the Court for decision in a non-jury proceeding; agreed to submit the trial evidence to the Court and to waive their right to cross-examine trial witnesses, with one exception; agreed that the defendant may request to present his own testimony in person; and acknowledged that the Court may require the defendant to testify in person. Accordingly, it is hereby

ORDERED that the plaintiff shall, by March 17, 2023, file any motion for monetary relief, along with any affidavits and

exhibits in support of that motion. The defendant shall, by April 7, file his opposition, along with any accompanying affidavits and exhibits. At the time any motion papers are filed, the filing party shall supply Chambers with two (2) courtesy copies by mailing or delivering them to the United States Courthouse, 500 Pearl Street, New York, New York 10007.

IT IS FURTHER ORDERED that, in the event the defendant wishes to testify in person or the Court requires his testimony in person, testimony will be taken on April 27, 2023 at 10:00 a.m.

Dated: New York, New York  
February 3, 2023

  
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DENISE COTE  
United States District Judge